

COLUMBIA CAN NOW USE CITY MANAGER PLAN

Law Passed by Recent Session of Legislature Makes It Possible to Eliminate Politics.

COUNCIL ELECTS MAYOR He Is One of the Five Councilmen—They Hire the Real Executive of the Municipality.

Cities of the third class can now adopt a city manager form of city government in place of the old system, as the result of a law passed by the recent session of the State Legislature. By means of this law cities of this class are enabled to eliminate politics from their municipal affairs and to conduct their administrations in a more business-like manner. Columbia, being a third class city, is given the right to adopt the city manager plan.

THE TEXT OF THE LAW

The law providing for this change reads as follows:

"Section 1. Amend article 5, chapter 72 of the Revised Statutes of Missouri 1919, entitled municipal corporations, by adding thereto sixteen new sections to be known and numbered as sections 839a to 839p inclusive, and to read as follows:

"Section 839a. Any city of the third class, or any city operating under a special charter with a population entitling it to become a city of the third class, may become organized under the provisions of this act by proceeding in the following manner: Upon petition of electors residing in such city equal in number to 25 per cent of the votes cast for mayor in the last preceding election, the mayor shall by proclamation submit the question of organizing under this act, at a special election to be held at a time specified therein, and within sixty days after said petition is filed. Notice thereof shall be published in at least five issues of a daily newspaper of the city, or if there be no daily newspaper of the city, then in at least two issues of a weekly newspaper of the city. The first publication shall appear at least thirty days prior to the date of the election. At such election the proposition to be voted on shall be: 'Shall the city of Columbia be organized under the provisions of this act?' The election thereon shall be conducted, votes canvassed, and results declared in the same manner as provided for by law in respect to other city elections of cities of the third class. If a majority of votes cast at said election shall be in favor of adopting the municipal form of government provided herein, the city clerk shall transmit to the secretary of state and to the county clerk of the county in which said city is located, duplicate copies of a certificate stating that such a proposition was adopted. Said city shall then proceed to organize under this act, by nomination of candidates and election of councilmen as hereinafter provided. Such elections shall be held at the first regular municipal election following the date of adoption of this act, provided that if a regular municipal election is not to be held within six months after date of adoption of this act, then the mayor by proclamation shall call a special election to be held within sixty days after the date of adoption, for the purpose of electing councilmen, and notice thereof shall be published in three issues of one or more of the daily newspapers of the city, and the first issue shall appear not less than twenty days before the date of election. If said plan is not adopted, the question of adopting said plan shall not be resubmitted to the voters of said city for adoption for at least one year thereafter, and then the question of adoption may be resubmitted upon a like petition, proclamation and notice as provided above.

OFFICERS UNDER NEW PLAN

"Section 839b. The council shall consist of five members, and all persons now eligible for the position of councilman under the laws governing cities of the third class shall be eligible to serve as councilmen under this act. The term of councilmen shall be three years, provided that of the first council elected after the adoption of this act, one member shall serve for one year, two for two years, and two for three years. Those councilmen receiving the highest number of votes at the first general election shall serve for the three-year term, those receiving the next highest shall serve for the two-year term, and the other for the one-year term. All councilmen shall be elected at large, but for voting purposes the council shall divide the city into voting precincts. The terms of office of such councilmen shall begin the first terms of office of the mayor and councilmen or aldermen of such city, in office at the beginning of the terms of office of the council first elected under the provisions of this act, including all boards and commissions, shall cease and determine the terms of office of all city officers, whether elective or appointive, in force in such city except as hereinafter provided shall cease and determine as soon as the council shall by resolution declare; provided, however, the council may continue the board of public works and the library, hospital and park boards for such time or times after organizing under this act as the interests of the city in its judgment may require.

"Section 839c. Candidates to be voted for at all general and special municipal elections at which the officers are to be elected under the provisions of this act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated.

"Section 839d. (1). The city council shall at the time of organizing elect one of its members as mayor and another as chairman pro tem for a term of one year. In case the members of the city council, within five days after the time herein fixed for their organization meeting, are unable to agree upon a mayor or chairman pro tem, of such council, then a mayor or chairman pro tem, or both, as the occasion may require, shall be elected from all the members of such council by lot and a record thereof shall be made upon the journal of the council.

"(2). The mayor shall preside at all meetings of the council and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice in its proceedings but no veto.

"(3). The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil process, by the governor for the purpose of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred on him by this act, and no others.

"Section 839e. Three members of the council shall constitute a quorum to do business; but no action thereof shall be valid unless at least three shall vote in favor of such action. Upon every vote the yeas and nays shall be called and recorded and every motion, resolution and ordinance shall be reduced to writing before the vote is taken. Every resolution or ordinance passed by the council must be signed by the mayor.

"Section 839f. Regular meetings of the council shall be held at least once every month and special meetings may be called by the mayor. Each councilman shall receive a salary not exceeding \$100 a year, payable quarterly.

"Section 839g. (1) Except as herein otherwise provided the council of any city organizing under this act shall have all the powers now or hereafter given to the council or to the mayor and council jointly, under the law by which such city adopting this act was governed by its former organization.

"(2). It shall be the duty of the council to pass all ordinances and other measures conducive to the welfare of the city and to the proper carrying out of the provisions of this act. It shall appoint a suitable person not a member of the council to be the administrative head of the city government, whose official title shall be 'City Manager.' The council shall also provide for all offices and positions in addition to those herein specified which may become necessary for the proper carrying out of the work of the city, and shall fix the salary and compensation of all officers and employees of the city not herein provided for. All officers of the city shall be paid in equal installments for their services and all employees of the city shall be paid monthly or at such shorter periods as the council shall determine. The creation of all offices and salaries attached thereto, which may be provided for by the council under this act, shall be by ordinance, and they shall all be for an indefinite term. The council shall also provide office rooms at the city hall or at some other convenient and suitable place in the city for the transaction of the business of the city and for the convenience of its officers.

"Section 839h. The council shall appoint a city manager, city clerk, assessor and city treasurer; the offices of city clerk and city assessor may be filled by one person. All other officers and employees of the city shall be appointed and discharged by the city manager; the council to have power to make rules and regulations governing same.

"Section 839i. The city manager must be a resident of the city at the time of his appointment and shall devote his entire time to the duties of his office. He shall be the administrative head of the government subject to the direction and supervision of the council and shall hold his office at the pleasure of the council, or may be employed for a term not to exceed one year. He shall receive an adequate salary to be fixed by the council, which shall not be diminished during the service of any incumbent without his consent. Before entering upon the duties of his office the city manager shall take the official oath required by law and shall execute a bond in favor of the city for the faithful performance of his duties and such sum shall be determined by the council.

"Section 839j. The city manager shall be a resident of the city at the time of his appointment and shall devote his entire time to the duties of his office. He shall be the administrative head of the government subject to the direction and supervision of the council and shall hold his office at the pleasure of the council, or may be employed for a term not to exceed one year. He shall receive an adequate salary to be fixed by the council, which shall not be diminished during the service of any incumbent without his consent. Before entering upon the duties of his office the city manager shall take the official oath required by law and shall execute a bond in favor of the city for the faithful performance of his duties and such sum shall be determined by the council.

"Section 839k. Any city which shall have operated under the provisions of this act not less than six years, may abandon the form organization as provided herein, by making the necessary petitions and complying with such forms as are herein set forth."

"Section 839l. All laws governing any city under its former organization and not inconsistent with the provisions of this act shall apply to and govern such city after it adopts the form of government herein provided, or all by laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered by the council elected under the provisions of this act. The territorial limits of such city shall remain the same as under its former organization and all rights and property of every description shall remain the same.

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the city council. It shall be his duty—

(a) To make all appointments to offices and positions provided for in section 9298. (b) To see that the laws and ordinances are enforced. (c) To exercise control of all departments and divisions that may hereafter be created by the council. (d) To see that all terms and conditions imposed in favor of the city on its inhabitants in any public utility franchises are faithfully kept and performed and upon information of any violation thereof to take such steps as will be necessary to stop or prevent the further violation of the same. (e) To attend all meetings of the council with the privilege of taking part in the discussion but having no vote. (f) To recommend to the council for adoption such measures as he may deem necessary or expedient. (g) To prepare and submit the annual budget and to keep the city council fully advised as to the financial conditions and needs of the city and to perform such other duties as may be prescribed by this act or be required of him by any ordinance of the council.

"Section 839k. No officer or employee elected or appointed in any such city shall be interested directly or indirectly in any contract or job for work or materials or the profits in any contract or job, or services to be furnished or performed for the city; and no such officer or employee shall be interested directly or indirectly in any work to be performed for any person, firm or corporation operating gas works, electric light or power plant, heating plant, telegraph line, telephone exchange or any other public utility within the territorial limits of said city.

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"Section 839o. Any city which shall have operated under the provisions of this act not less than six years, may abandon the form organization as provided herein, by making the necessary petitions and complying with such forms as are herein set forth."

"Section 839p. Any city which shall have operated under the provisions of this act not less than six years, may abandon the form organization as provided herein, by making the necessary petitions and complying with such forms as are herein set forth."

"Section 839q. Any city which shall have operated under the provisions of this act not less than six years, may abandon the form organization as provided herein, by making the necessary petitions and complying with such forms as are herein set forth."

"Section 839r. Any city which shall have operated under